

ASSEMBLY BILL

No. 1417

Introduced by Assembly Member Daucher

February 22, 2005

An act to amend Section 56502 of the Education Code, relating to special education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1417, as introduced, Daucher. Special education: due process hearing.

Existing law provides for a due process hearing for the resolution of disputes that arise relating to violations of the federal Individuals with Disabilities Education Act or applicable state law, and prescribes certain procedural requirements for that due process hearing.

This bill would make a technical, nonsubstantive change to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 56502 of the Education Code is
- 2 amended to read:
- 3 56502. (a) All requests for a due process hearing shall be
- 4 filed with the superintendent in accordance with paragraphs (1)
- 5 and (2) of subsection (c) of Section 300.507 of Title 34 of the
- 6 Code of Federal Regulations.
- 7 (b) The superintendent shall develop a model form to assist
- 8 parents and guardians in filing a request for due process that is in

1 accordance with paragraph (3) of subsection (c) of Section
2 300.507 of Title 34 of the Code of Federal Regulations.

3 (c) The party initiating a due process hearing by filing a
4 written request with the superintendent shall provide the other
5 party to the hearing with a copy of the request at the same time as
6 the request is filed with the superintendent.

7 (d) The superintendent shall take steps to ensure that within 45
8 days after receipt of the written hearing request the hearing is
9 immediately commenced and completed, including, any
10 mediation requested at any point during the hearing process
11 pursuant to paragraph (2) of subdivision (b) of Section 56501,
12 and a final administrative decision is rendered, unless a
13 continuance has been granted pursuant to Section 56505.

14 (e) Notwithstanding any procedure set forth in this chapter, a
15 public education agency and a parent or guardian may, if the
16 party initiating the hearing so chooses, meet informally to resolve
17 any issue or issues relating to the identification, assessment, or
18 education and placement of the child, or the provision of a free
19 appropriate public education to the child, to the satisfaction of
20 both parties prior to the hearing. The informal meeting shall be
21 conducted by the district superintendent, county superintendent,
22 or director of the public education agency or his or her designee.
23 Any designee appointed pursuant to this subdivision shall have
24 the authority to resolve the issue or issues.

25 (f) Upon receipt by the superintendent of a written request by
26 the parent or guardian or public education agency, the
27 superintendent or his or her designee or designees shall
28 immediately notify, in writing, all parties of the request for the
29 hearing and the scheduled date for the hearing. The notice shall
30 advise all parties of all their rights relating to procedural
31 safeguards. The superintendent or his or her designee shall
32 provide both parties with a list of persons and organizations
33 within the geographical area that can provide free or reduced cost
34 representation or other assistance in preparing for the due process
35 hearing. This list shall include a brief description of the
36 requirement to qualify for the services. The superintendent or his
37 or her designee shall have complete discretion in determining
38 which individuals or groups ~~shall be~~ are included on the list.

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